

UNITED STATES BANKRUPTCY COURT
NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION

In Re:
Theresa Harrington
Debtor.

Case No. 19-06950
Honorable Jack B. Schmetterer
Chapter 13

NOTICE OF MOTION

To:
Theresa Harrington
4239 W Monroe
Apt 2
Chicago, IL 60624
Via U.S. Mail
Debtor.

David M. Siegel
David M. Siegel & Associates
790 Chaddick Drive
Wheeling, IL 60090
Via Court Electronic
Notification

Tom Vaughn
200 S. Michigan Ave. 13th Floor
Chicago, IL 60604
Via Court Electronic Notification

PLEASE TAKE NOTICE that on the 4th day of September, 2019 at 10:00a.m., or as soon thereafter as counsel may be heard, I shall appear before the Honorable Jack B. Schmetterer in Courtroom 682 in the United States Courthouse, 219 South Dearborn Street, Chicago, Illinois, or before any other Bankruptcy Judge who may be presiding in said Judge's place and stead, and shall then and there move the Court for the entry of an order in accordance with the attached motion at which time you may appear if you so desire.

/s/ James M. Philbrick

CERTIFICATE OF SERVICE

I, James M. Philbrick, an attorney, certify that I personally served the above and foregoing notice and motion on the above parties by Court Electronic Notification and by depositing the same in the U.S. Mail on the 28th day of August , 2019, before the hour of 5:00 p.m. from the U.S. Post Office, Mundelein, Illinois 60060.

/s/ James M. Philbrick

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Chapter 13

MOTION TO MODIFY STAY

NOW COMES Prestige Financial Services Inc., by and through its attorney, JAMES M. PHILBRICK, of THE LAW OFFICES OF JAMES M. PHILBRICK, and as and for its Motion to Modify Stay, states as follows:

1. That Prestige Financial Services Inc. is a creditor-claimant of the Debtor and brings this motion pursuant to 11 U.S.C. §362(d).
2. That on or about February 21, 2015, the Debtor executed an agreement for an interest in one 2013 VOLKSWAGEN Jetta, VIN 3VWDP7AJ6DM237685.
3. That Prestige Financial Services Inc. has a properly perfected interest in the collateral in accordance with the Illinois Motor Vehicle Act, and said lien was noted upon the Certificate of Title in connection with the aforesaid motor vehicle.
4. That on March 13, 2019, the Debtor filed a voluntary petition under Chapter 13 of Title 11 of the United States Code.
5. That the current payoff balance for the said vehicle is approximately \$11502.95.
6. That the current retail value for the said vehicle is approximately \$7,075.00.
7. That the Debtor has no appreciable equity in the said vehicle.
8. That the Debtor is to be the disbursing agent for payments to Prestige Financial Services Inc.. That the Debtor' installment payments is \$418.49 a month, and the debtor has defaulted in making installment payments for the months of April through August 2019 , for a total default of \$2,913.45, which amount includes attorney fees and costs of \$681.00.
9. That the Debtor has not provided Prestige Financial Services Inc. with proof of full coverage insurance on the said vehicle.

10. That the vehicle is not necessary for an effective reorganization.

11. That Prestige Financial Services Inc.'s collateral is a depreciating asset.

12. That Prestige Financial Services Inc. lacks adequate protection in its collateral, and therefore should be allowed to immediately enforce and implement any Order Modifying the Automatic Stay that this Honorable Court may enter, notwithstanding Federal Bankruptcy Rule 4001(a)(3).

WHEREFORE, Prestige Financial Services Inc. prays this Honorable Court for the entry of the attached order modifying the automatic stay of 11 U.S.C. §362 so as to allow Prestige Financial Services Inc. to take possession of one 2013 VOLKSWAGEN Jetta, VIN 3VWDP7AJ6DM237685, and to enforce its rights against the security in accordance with the agreement and/or applicable state laws; and to find that Federal Rule 4001(a)(3) of the Federal Rules of Bankruptcy Procedure is non-applicable and thus Prestige Financial Services Inc. may immediately enforce and implement the attached Order Modifying the Automatic Stay; and for such other and further relief as the Court may deem just and proper.

Prestige Financial Services Inc.

By: /s/ James M. Philbrick
One of its Attorneys

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